

DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

ATTORNEYS:

Gretchen Shappert, United States Attorney
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For the United States of America,

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For Aubrey Frett.

ORDER

GÓMEZ, J.

Before the Court is the application of Aubrey Frett ("Frett") to waive his speedy trial. For the reasons stated herein, the time to try this case is extended up to and including October 31, 2019.

While the Speedy Trial Act requires that defendants be tried within seventy days of indictment, the Court specifically finds that extending this period would be in the best interest

of justice for several reasons. First, an extension is necessary to allow Frett time to investigate the case, review discovery, and consult with an expert. Second, Frett made his request with the advice and consent of counsel. Third, without an extension, Frett would be denied reasonable time necessary to prepare for trial.

Consistent with these concerns, the United States Court of Appeals for the Third Circuit has recognized that "whether or not a case is 'unusual' or 'complex,' an 'ends of justice' continuance may in appropriate circumstances be granted."

United States v. Fields, 39 F.3d 439, 444 (3d Cir. 1994); *United States v. Dota*, 33 F.3d 1179 (9th Cir. 1994) ("An ends of justice continuance may be justified on grounds that one side needs more time to prepare for trial [even if the] case [i]s not 'complex.'"); see also *United States v. Lattany*, 982 F.2d 866, 883 (3d Cir. 1992) ("[T]he district court did not abuse its discretion when it delayed the trial to give counsel . . . opportunity to . . . decid[e] upon and prepar[e] an appropriate defense."); *United States v. Brooks*, 697 F.2d 517, 522 (3d Cir. 1982) (holding there was no abuse of discretion where district court found that multiple count, multiple defendant "case was

complex and required additional time for adequate

preparation.").

The premises considered; it is hereby

ORDERED that the time beginning from the date of this order granting an extension through October 31, 2019, shall be excluded in computing the time within which the trial for Frett must be initiated pursuant to 18 U.S.C. § 3161.

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Curtis V. Gómez

District Judge